

FILED

DISTRICT COURT OF GUAM

OCT - 4 2005 *9P*MARY L.M. MORAN
CLERK OF COURTIN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAMUNITED STATES OF AMERICA
Plaintiff,

vs.

MICHAEL ATOIGUE BURGOS
Defendant.

CRIMINAL CASE NO. 05-00007-001

INFORMATIONAL REPORT

Re: Violation of Pretrial Release Conditions; No Action Requested

On February 9, 2005, Michael Atoigue Burgos appeared in the U.S. District Court of Guam for an Initial Appearance hearing under seal relative to a Complaint charging him with Conspiracy to Import Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§952(a), 960 and 963. He was subsequently released on a personal recognizance bond with the following conditions: report to the U.S. Probation Office and the Bureau of Immigration and Customs Enforcement as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; not leave Guam without the permission of the Court; avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; submit to drug testing; and not change residence without notifying the District Court and the U.S. Probation Officer. On July 14, 2005, the Court vacated the Status Hearing, unsealed the record in this case and set sentencing for October 26, 2005.

On March 9, 2005, Mr. Burgos was indicted by a Federal Grand Jury for Conspiracy to Import Methamphetamine Hydrochloride, in violation of 21 U.S.C. § 952(a), 960, and 963. On March 10, 2005, he appeared for Arraignment and pleaded not guilty. The Court then modified pretrial release to include an order that upon the unsealing of the case, Mr. Burgos was required to undergo a drug use assessment and to participate in any treatment recommended. The modification was based on information of a pretrial services release status report alleging methamphetamine use by the defendant on February 16, 2005.

On April 11, 2005, Mr. Burgos appeared for a bail violation hearing before the Honorable Judge Joaquin V.E. Manibusan. Mr. Burgos admitted to all drug use violations reported by the pretrial services officer. The Court continued release, however, warned Mr. Burgos that any additional violations henceforth would warrant revocation of his release.

ORIGINAL

INFORMATIONAL REPORT

Violation of Pretrial Release Conditions; No Action Requested

Re: BURGOS, Michael Atoigue

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On August 4, 2005, Mr. Burgos appeared for a second bail violation hearing and admitted to the drug use and other technical violations reported by the probation office. The Court continued Mr. Burgos on release and warned him of the consequences of continued non-compliance. Mr. Burgos is alleged to have violated the following conditions of release:

Special Condition: *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances.* On August 23, 2005, Mr. Burgos tested presumptive positive for methamphetamine. He executed an admission form for using the drug on August 21, 2005. Mr. Burgos apologized for his drug use and assured he would refrain from further drug abuse. According to drug treatment counselor, William J. Melendez, Jr., Mr. Burgos will benefit from ongoing drug treatment counseling if allowed to continue on release.

Supervision Compliance: Since the last bail violation hearing on August 4, 2005, Mr. Burgos has tested negative on nine urinalysis appointments (except as outlined above). Mr. Burgos has also obtained employment on August 26, 2005 as a driver/maintenance worker for Paradise Spa in Tumon, Guam.

Recommendation: The probation officer respectfully recommends that the Court take no action at this time in order to allow Mr. Burgos to receive ongoing drug treatment counseling through the services of William J. Melendez, Jr. Mr. Burgos will continue to be monitored and any further violations will be reported to the Court accordingly.

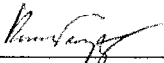
RESPECTFULLY submitted this 3rd day of October 2005.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


ROBERT I. CARREON
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Marivic P. David, AUSA
John T. Gorman, FPD
File